

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 2:05CR126-P-B

RALPH ANDREW OCHSENHIRT,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant's Third Motion to Continue Trial [18-1].

Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for April 11, 2006. Defense counsel avers that she has negotiated a resolution to the charges with the AUSA in this matter. She requests that trial be continued to allow additional time for her to finalize the plea negotiations, including time to review the Rule 20 paperwork she received on March 28, 2006 regarding the defendants' charges in other jurisdictions. Defense counsel states that the defendant is ineligible for bond and has waived any issues arising under the Speedy Trial Act. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from March 6, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for her client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion to Continue Trial [18-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, May 22, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from April 10, 2006 to May 22, 2006 is excluded as set out above;
- (4) The deadline for filing pretrial motions is May 1, 2006; and
- (5) The deadline for submitting a plea agreement is May 8, 2006.

SO ORDERED, this the 4th day of April 3, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE